

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KEVIN RIOS,

Petitioner,

-against-

CHRISTOPHER MILLER,  
SUPERINTENDENT

Respondent.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC#:

DATE FILED: July 13, 2021

17-CV-2256 (ALC)

**ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY &  
IFP APPLICATION**

ANDREW L. CARTER, JR., United States District Judge:

The Court is in receipt of motions filed by Petitioner Kevin Rios (“Petitioner”) seeking (1) an extension of time to file a notice of appeal (ECF No. 43) and (2) leave to proceed *in forma pauperis* on appeal (ECF No. 44).

The request for an extension is hereby **GRANTED**. The motion for an extension was made within 60 days from the date of entry of judgment and Petitioner showed “good cause or excusable neglect” for his failure to file a timely notice of appeal.

Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

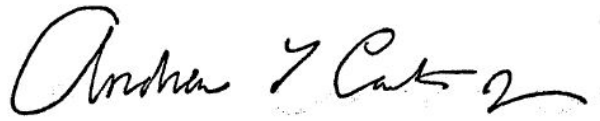
The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is **DENIED** for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is respectfully directed to mail a copy of this Order to Petitioner and note service on the docket.

**SO ORDERED.**

**Dated:**

**July 13, 2021  
New York, New York**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

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**ANDREW L. CARTER, JR.  
United States District Judge**